

# WISCONSIN LEGISLATIVE COUNCIL STAFF

## RULES CLEARINGHOUSE

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## CLEARINGHOUSE RULE 98-078

### Comments

**[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Revisor of Statutes Bureau and the Legislative Council Staff, dated October 1994.]**

### 2. Form, Style and Placement in Administrative Code

a. In the treatment clause to SECTION 1, the various sections of Ins (i.e., ss. Ins 6.58, 6.59 and 28.04) being affected should each be dealt with in a separate SECTION in the rule. [See s. 1.04 (2) (a) (1), Manual.]

b. Section Ins 6.58 (3) should be restructured as follows (and the treatment clause revised to reflect the restructuring) by combining the current sub. (3) (intro.) and sub. (3) (a):

Ins 6.58 (3) (intro.) PROCEDURE. (a) Application for a permanent intermediary license . . . and filed with the commissioner of insurance. The application ~~must~~ shall be accompanied by:

1. A licensing fee of \$100.
2. . . .

(b) Determination of the acceptance or rejection . . . .

c. In sub. (3) (intro.) and elsewhere in the rule where this language appears, should “states that” replace “states who”? Presumably it is the states, not the residents, signing the declaration.

d. “NAIC” should be spelled out in a definition and then the abbreviation may be used.

e. If a rule requires a new form, a copy of the form must be attached to the rule or a statement must be included indicating where a copy of the form may be obtained at no charge. [See s. 1.09, Manual.] This has not been done for the National Association of Insurance Commissioners form.

f. In s. Ins 6.59 (4) (am), the title should be underscored. [See s. 1.05 (2) (d), Manual.]

g. The treatment clause of SECTION 2 should read: "SECTION 2. Ins 28.06 (6) (b) 10. is renumbered Ins 28.06 (6) (b) 12."

h. In SECTION 4, on page 4, the two sections in the treatment clause (i.e., ss. Ins 28.07 and 28.09) should be dealt with in different SECTIONS in the rule. [See s. 1.04 (2), Manual.]

i. There is a second SECTION 4 on page 5 of the rule. This should be numbered SECTION 5 and the subsequent SECTIONS should be renumbered. Also, in the treatment clause of this SECTION 4, "of chapter Ins 28" should be inserted after "I".

j. Should SECTION 5 (Initial Applicability) read: "This rule first applies to intermediaries . . ."? Also, since the reporting period is biennial, should "2000" replace "2001"?

#### **4. Adequacy of References to Related Statutes, Rules and Forms**

With reference to the effective date, is there any reason why the rule should not take effect on the first day of the month commencing after the date of publication (which is the date specified in s. 227.22 (2) (intro.), Stats., and thus incorrectly cited in the rule)? If the agency intends January 1, 1999 to be the date, the reference should be to sub. (2) (b) in s. 227.22, Stats.

#### **5. Clarity, Grammar, Punctuation and Use of Plain Language**

a. With reference to the new language in s. Ins 6.58 (3) and elsewhere in the rule, what is a "declaration of uniform treatment"? This should be defined in the text of the rule to make it clear.

b. In s. Ins 28.04 (1) (b), do the education requirements of the other state have to be comparable to the Wisconsin education requirements? If so, this should be clearly indicated (e.g., use the term "substantially comparable" or "substantially similar" and state that this determination must be made by the commissioner).

c. In s. Ins 28.04 (1) (d), the first new sentence is not clear. Should this say: "Courses completed from January 1 to April 16 of the odd-numbered year of a new reporting period may be counted toward either the previous biennial reporting period or the new reporting period."? As drafted, it is not clear what is intended?

Also, if under other provisions in sub. (1), the biennial reports must be made on or before February 15 of each odd-numbered year, should there be a provision in the rule indicating the time limit and method for reporting course credit hours accumulated from February 15 to April 16 that the licensee wishes to claim for the previous biennium?

d. In s. Ins 28.04 (1) (d), “banked” should be replaced by a better term or phrase. What does “banked” mean?